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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS PRODUCTS
6 LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **SECOND AMENDED MASTER**
8 **SHORT FORM COMPLAINT FOR**
9 **DAMAGES FOR INDIVIDUAL**
10 **CLAIMS AND DEMAND FOR JURY**
11 **TRIAL**

12 Plaintiff(s) named below, for their Complaint against Defendants named below,
13 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 213).

14 Plaintiff(s) further show the Court as follows:

15 1. Plaintiff/Deceased Party:

16 Dovie Small

17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
18 consortium claim:

19 Not applicable

20 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
21 conservator):

22 Joanne Roberts, daughter/next of kin

Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Tennessee

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Tennessee

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Tennessee

7. District Court and Division in which venue would be proper absent direct filing:

Henderson County District Court, District of Tennessee

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☒ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

October 31, 2015

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Tennessee (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☒ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 27 day of September, 2017.

2 **MCEWEN LAW FIRM LTD.**

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10 *Attorney for Plaintiffs*

11 I hereby certify that on this 27th day of Sept., 2017, I electronically transmitted the
12 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
13 of a Notice of Electronic Filing.

14 /s/Gregory N. McEwen

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